

RESPONSE AFTER FINAL
U.S. Appln. No. 09/576,951

Applicants respectfully submit that these documents were, in fact, received by the U.S. Patent and Trademark Office (USPTO) on February 7, 2002, as evidenced by the attached copy of the Mailroom Filing Receipt.

Nonetheless, submitted herewith is an additional copy of the Bycroft Declaration (and attachments) and Figure 2 of the Molnar-Kimber Declaration.

In paragraph 3, on page 2 of the Office Action, the Examiner objects to Claim 41 as being a substantial duplicate of Claim 39.

Specifically, the Examiner contends that both claims are directed to the same monoclonal antibody produced by hybridoma RAP-42-OVAF₂#1hc.

For the following reasons, Applicants respectfully traverse the Examiner's objection.

Claim 41 is not directed to the same monoclonal antibody produced by hybridoma RAP-42-OVAF₂#1hc, but rather to any monoclonal antibody which binds to the antigen which is specifically bound by RAP-42.^{1/} Thus, the scope of Claim 41 differs from the scope of Claim 39, i.e., the claims are not substantial duplicates as contended by the Examiner. Hence, the Examiner is requested to withdraw the objection.

In paragraph 4, on page 2 of the Office Action, the Examiner objects to Claim 38 as being a substantial duplicate of Claim 36.

^{1/} Similar claims were granted in U.S. Patent 5,474,771, issued to Lederman et al, a copy of which is attached hereto (cf. Claims 1 and 9 thereof).

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Specifically, the Examiner states that both claims use a "molecule" which is a 42-succinic acid ester.

For the following reasons, Applicants respectfully traverse the Examiner's objection.

Claim 38 is limited to an immunogen in which succinic acid is conjugated to ovalbumin. Claim 36 is not limited in terms of the conjugated protein which forms part of the immunogen. As shown in Claim 37, the immunogenic protein can be, for example, keyhole limpet hemocyanin or ovalbumin. Thus, the scope of Claim 38 differs from the scope of Claim 36, i.e., these claims are not substantial duplicates as contended by the Examiner. Hence, the Examiner is requested to withdraw the objection.

In paragraph 6, on page 2 of the Office Action, the Examiner rejects Claim 41 under 35 U.S.C. § 112, second paragraph.

Specifically, the Examiner states that it is not clear what is meant by the term "which specifically binds to an antigen which is specifically bound by the monoclonal antibody secreted by...". The Examiner contends that it appears that what is being claimed is a monoclonal antibody produced by the recited hybridoma, rather than a monoclonal antibody which has specificity for "an antigen" which is specifically bound by the monoclonal "antibody".

For the following reasons, Applicants respectfully traverse the Examiner's rejection.

Contrary to the Examiner's contention, Claim 41 is not limited to a monoclonal antibody which is produced by the recited hybridoma. Rather, Claim 41 is directed to any

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monoclonal antibody which binds to the same antigen which is bound by the monoclonal antibody produced by the recited hybridoma. As discussed above, similar claims are found, e.g., in U.S. Patent 5,474,771, issued to Lederman et al.

Accordingly, Applicants respectfully submit that Claim 41 clearly and definitely recites the invention of interest, and thus request withdrawal of the Examiner's rejection.

In paragraph 7, on page 3 of the Office Action, the Examiner objects to Claim 43 and 45 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

In view of the above, Applicants respectfully submit that it is not necessary to amend Claims 43 and 45.

Finally, Applicants note that the Examiner has acknowledged US 2002/0002273, brought to her attention on February 7, 2002. However, the Examiner has failed to provide Applicants with an initialed copy of the 1449 Form indicating consideration of the same, or the Molnar-Kimber Patent (6,328,970). These references were submitted with the Second Supplemental Information Disclosure Statement filed February 7, 2002. Hence, the Examiner is requested to consider the Second Supplemental Information Disclosure Statement, and provide Applicants with an appropriately initialed 1449 Form.

The Examiner is also requested to make of record Sedrani, U.S. Patent Publication 2002/0002717, dated February 21, 2002, which was published after Applicants filed the Second Supplemental Information Disclosure Statement. A copy of U.S.

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Patent Publication 2002/0002717 is attached hereto for the Examiner's convenience.

In view of the arguments set forth above, reexamination, reconsideration and allowance are respectfully requested.

The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

Respectfully submitted,



Gordon Kit

Registration No. 30,764

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3202
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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